IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 634 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMESHCHANDRA MAGANLAL PATEL

Versus

MAHESHGIRI GANPATGIRI

Appearance:

MS KJ BRAHMBHATT for Petitioner Nos. 1-2

MR DHIRENDRA MEHTA for Respondent Nos. 1-5

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 07/02/2004

ORAL JUDGEMENT

1. The petitioners herein are the original plaintiffs of Regular Civil Suit No.463 of 1993, which is pending in the Court of learned Civil Judge (Senior Division), Surat. In the said suit, the petitioners submitted an application Exhibit 5 for getting

injunction. The trial court initially granted injunction and after hearing the parties, rejected the same. Against the said order, the present petitioners had preferred appeal before the District Court at Surat, being Civil Miscellaneous Appeal No.145 of 1993. The said appeal has also ultimately met with the same fate and the same was dismissed on 14.2.1997 by the learned Second Joint District Judge, Surat, against which this Civil Revision Application is filed by the original plaintiffs.

2. At the time of admitting this Civil Revision Application on 6th May, 1997, this Court has also granted interim injunction in favour of the present petitioners and the ex parte injunction, which was initially granted by the trial court, was continued during the pendency of this Civil Revision Application. This Civil Revision Application is pending before this Court since 1997 and considering the fact that there is already an order of injunction in favour of the present petitioners, which is in operation till today, it is submitted by the learned Advocates of both the sides that the said interim relief granted by this Court may be continued till the suit is decided and the learned trial Judge be directed to dispose of the suit immediately. Since this revision is required to be disposed of in view of the consent given by both the sides, without expressing any opinion on merits, the following order is passed :-

Interim injunction granted by this Court on 6th May, 1997, is ordered to be continued till Regular Civil Suit No.463 of 1993 is finally decided by the Civil Judge (Senior Division), Surat. Considering the fact that the suit is of the year 1993, the learned Civil Judge (Senior Division), Surat, is directed to give top priority to the suit and to decide the same, latest by 31st August, 2004 without any further delay.

Office is directed to send the writ to the trial court forthwith and latest by 16th February, 2004.

3. The learned Advocates of both the sides have assured the Court that their clients will give full cooperation for getting the suit decided within the stipulated time.

4. In view of the aforesaid observations and directions, Ms.Brahmbhatt seeks permission to withdraw this revision application. Permission is granted. This Civil Revision Application stands disposed of as withdrawn subject to extension of interim relief, as

stated above. Rule is discharged. No costs.

7th February, 2004 (P.B. Majmudar, J.)

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(apj)